

Department of Planning and Zoning

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MEMORANDUM

To: Development Review Board
From: Ken Lerner 
Date: February 20, 2013
RE: ZP 13-0705SD, 568 South Prospect St.

Note: These are staff comments only. Decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.

File: 13-0705SD

Location: 568 South Prospect St.

Zone: RCO-RG **Ward:** 6

Date application accepted: January 23, 2013

Applicant/ Owner: Art Shields/Burlington Country Club

Request: Subdivision of existing 155 acre parcel into two lots; Lot 1 having 134.6 acres with the existing country club/golf course; Lot 2 to have 20.4 (undeveloped) acres. No construction or site improvements are proposed with this subdivision.

Background:

- **Zoning Permit 04-168;** Boundary line adjustment to reduce 149 Industrial Parkway by 1.41 acres to become 11.0 acres and increase 79 Industrial Parkway by 1.41 acres to become 5.01 acres. Approved September 2003.
- **Zoning Permit 96-107 / COA 096-016;** Construction of a single storey employee lunch room addition to the existing manufacturing building. Approved August 1995.

Recommendation: Consent approval, per the following findings and conditions:

I. Findings

Article 3: Applications, Permits, and Project Reviews

Part 5. Conditional Use and Major Impact Review

Sec. 3.5.3 Exemptions

- (d) Projects that do not result in a change of use or increased parking demand as determined by the administrative officer.*

The subdivision of 568 South Prospect does not result in a change of use or increase the parking demand of the existing use. The exemption, therefore, may be applied for Major Impact Review. Conditional Use Review is not a requirement for combined Preliminary and Final Plat review. See Sec. 10.1.7, below.

Affirmative finding.

Article 4: Maps and Districts

Table 4.4.3-1 Dimensional Standards and Density

RCO	Density/Intensity	Lot Coverage (%)	Building Height (feet)	Front Setback' (feet)	Side Setbacks (% or feet)	Rear Setback (% or feet)	Lake & River Setback (feet)	Lot Size (sqft)	Street Frontage (feet)
Recreation / Greenspace	<u>Max:</u> 0	<u>Max:</u> 5%	<u>Max:</u> 35'	<u>Min:</u> 15'	<u>Min:</u> 10%	<u>Min:</u> 25%	<u>Min:</u> 100'	NA	NA
Proposed Lot 1	<u>0</u>	<u><5%</u>	<u><35'</u>	<u>>15'</u>	<u>>10%</u>	<u>>25%</u>	<u>NA</u>	134.6 acres	NA
Proposed Lot 2	<u>0</u>	<u>0</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	20.4 acres	0

Affirmative finding.

Article 10: Subdivision Review

Sec. 10.1.7 Combined Preliminary and Final Plat

For subdivisions that will create fewer than five (5) lots or dwelling units, and are not otherwise subject to consideration under Major Impact Review pursuant to the provisions of Article 3 Part 5 or Planned Unit Development pursuant to the provisions of Article 11, the applicant may request, and the DRB may authorize the hearings on preliminary and final subdivision plats to be combined into a single public hearing.

The application requests the creation of 2 lots from a single larger parcel, thus allowing consideration of combined Preliminary and Final Plat review. The project qualifies for an exemption from Major Impact Review (see Sec. 3.5.3, above.) As no development is proposed, Article 11 (Planned Development) does not apply. **Affirmative finding.**

In such cases, the submission requirements for final subdivision plats pursuant to Sec. 10.1.9 shall be met at the time of application, and decisions by the DRB shall be based on the project's conformance with the review criteria for both preliminary (Sec. 10.1.8 (d)) and final plats (Sec. 10.1.9 (d).)

Dec. 10.1.8 Preliminary Plat Review

Submission materials have included the required materials and details. **Affirmative finding.**

Sec. 10.1.8 (d) Review Criteria

The review of a preliminary plat by the DRB shall address all issues pertaining to conformance with city plans; the capacity of municipal infrastructure; and overall site development and configuration including but not limited to the preservation of open spaces and natural resources, the layout of blocks and lots; streets, sidewalks pathways, and other access ways; stormwater management systems, water, sanitary sewage and other utility systems; and buffering of uses.

In its review of a Preliminary Plat, the DRB shall include consideration of the input of the Conservation Board, Design Advisory Board and city departments where offered. Such comments shall be considered by the DRB throughout the review process.

Decisions by the DRB on a preliminary plat shall be based on the project's conformance with the following:

- 1. the requirements of the underlying zoning district(s) and all applicable overlay district(s) as set forth in Article 4;*

The project lies within the RCO-RG zoning district. The current country club/golf course use of the property is a permitted use within the district. No further development is planned in connection with the proposed subdivision. Any future development shall be required to obtain any and all permits required at that time. **Affirmative finding as conditioned.**

- 2. the review criteria for Conditional Uses and Major Impact in Article 3, Part 5 where applicable;*

Not applicable.

- 3. the requirements of Article 5 with regard to Special Uses and Performance Standards as applicable;*

Not applicable.

and,

- 4. the land division and site development principles and design standards in Article 6.*

No development is proposed or planned under this subdivision request. **Not applicable.**

Sec. 10.1.9 Final Plat Approval Process

(a) Final Plat and Construction Detail Submission Requirements

- 1. A letter requesting review and approval of the final plat and giving the name and addresses of person(s) to whom notice of the hearing by the DRB thereon shall be sent. This was included within the submission materials. **Affirmative finding.***
- 2. A narrative describing the proposed project's conformance with each of the applicable review criteria in (d) below, and a timetable or phasing plan for the construction of all site improvements. **Affirmative finding.***
- 3. Ten (10) copies of the final plat, as specified in subsection (6) below. **Affirmative finding.***
- 4. Ten (10) copies of the final site plan, as specified in subsection (7) below. **Affirmative finding.***
- 5. Ten (10) copies of construction detail drawings of the sewer, water and drainage systems, other underground utilities, surface improvements, street profiles and street cross-sections as specified in subsection (8) below.*

No construction is proposed. **Affirmative finding.**

6. *Final plat specifications: The final plat shall be prepared by a Vermont licensed land surveyor. The plan shall be at a scale of one inch equals forty feet (1"=40'). In addition such other scale as the board may require to showing details clearly and adequately shall be included. Sheet sizes shall be twenty-four (24) inches by thirty-six (36) inches with one-inch margins on three (3) sides and two (2) inch margin on the side to be bound. If multiple sheets are used, they shall be accompanied by an index sheet referencing the entire final plat. The final plat shall contain all information required for the preliminary plat pursuant to Sec. 10.1.8 (a)4 above, updated and accurate, together with the following information:*

- A. *Existing and proposed lines of streets, ways, lots with areas of each, dimensions and areas of easements, parks and other property within the subdivision to be dedicated for public use.*
- B. *Location, width, name, and final grade of proposed streets.*

Not applicable.

- C. *Sufficient data including the length, radii, and central angles of all curves to readily determine the location, bearing, and length of every street and right-of-way, lot line and boundary line and to reproduce same on ground; all bearings to be referred to magnetic meridian. Wherever a boundary line of the subdivision is within five hundred (500) feet of a Vermont Coordinate Survey monument, the survey of the subdivision shall be tied to said monument(s). The error of closure must not exceed one to fifteen thousand (15,000); traverse streets or a copy thereof showing error of closure of the field surveys and the calculations for final adjustment must be submitted to the office of the city engineer for approval.*

Not applicable.

- D. *Location of all permanent monuments properly identified as to whether existing or proposed. The distance and bearing to the nearest municipal, county or state monument on an accepted way and monuments at all points of curvature and changes in direction of street right-of-way lines or where designated by the city engineer.*
- E. *Location, names and present widths of streets bounding, approaching or within reasonable proximity of the subdivision and street lines of the access street leading from the subdivision to the nearest accepted public street.*
- F. *Lot numbers, proposed house numbers and areas of other adjoining land of applicant not included in subdivision.*

Submission materials include a site plan, prepared by a licensed surveyor. Identification is provided, where appropriate, for the proposed subdivision. As no construction is proposed, some submission requirements do not apply. The appropriate size of mylar plat for recording purposes is noted, and conditioned.

Affirmative finding as conditioned.

7. Final Site Plan detail drawings: All submitted applications for final plat approval must likewise include a final site plan consisting of the following as applicable:

- A. All information required for the preliminary site plan pursuant to Sec. 10.1.8 (a)5 above, updated and accurate;
- B. Minimum front, side, and rear setback lines shall be shown and dimensioned in accordance with the applicable zoning ordinance requirements of Article 4;

Setbacks are noted in Table 4.4.3-1, above. **Affirmative finding.**

and,

- C. Subsurface conditions of the tract, location, and results of tests made to ascertain subsurface soil rock and ground water conditions and depth to ground water, as may be reasonably required to carry out the purposes and intent of these regulations.

- i. Construction detail drawings: No construction is proposed.

Not applicable.

(d) Review Criteria:

The review of an application for final plat shall also take into consideration modifications to the preliminary plat as required by the DRB, and address all infrastructure designs and detailed site development including the stormwater management systems, erosion control, water and sanitary sewage, utility systems; architectural designs, and streets and sidewalks.

Decisions by the DRB on a final plat shall be based on the project's conformance with the following:

- 1. *the requirements of the underlying zoning district(s) and all applicable overlay district(s) as set forth in Article 4;*

The application meets applicable district requirements; see Article 4 (above.)
Affirmative finding.

- 2. *the review criteria for Conditional Uses and Major Impact in Article 3, Part 5 where applicable; Not applicable.*
- 3. *the requirements of Article 5 with regard to Special Uses and Performance Standards as applicable; Not applicable.*

and, all development principles and design standards in Article 6. Not applicable.

Sec. 10.1.11 Recording of Final Plats

(b) Recording within 180 days

The final plat, endorsement by the DRB and all associated documents, shall be recorded in the office of the chief administrative officer within 180 days of the DRB's approval of the final plat. Failure to file all such materials within 180 days of the decision shall render the final plat approval void.

The plat to be filed with the chief administrative officer shall comply with the requirements of 27 V.S.A. Chapter 17 and Section 10.1.9 (a) 6 of this Article, and shall be drawn in black permanent inks on three (3) to five (5) mil. Stable-base polyester film (mylar). After such filing or recording, the plat shall be part of the City of Burlington Official Map. In addition to the final plat as recorded in the city land records:

- 1. One copy of the approved plat shall be filed with the building inspector before building permits for structures within the subdivision are made available;*
- 2. One copy of the approved plat shall be filed with the city assessor; and*
- 3. a digital version of the approved plat shall be filed with the department of planning and zoning in a format acceptable to the administrative officer.*

Affirmative finding as conditioned.

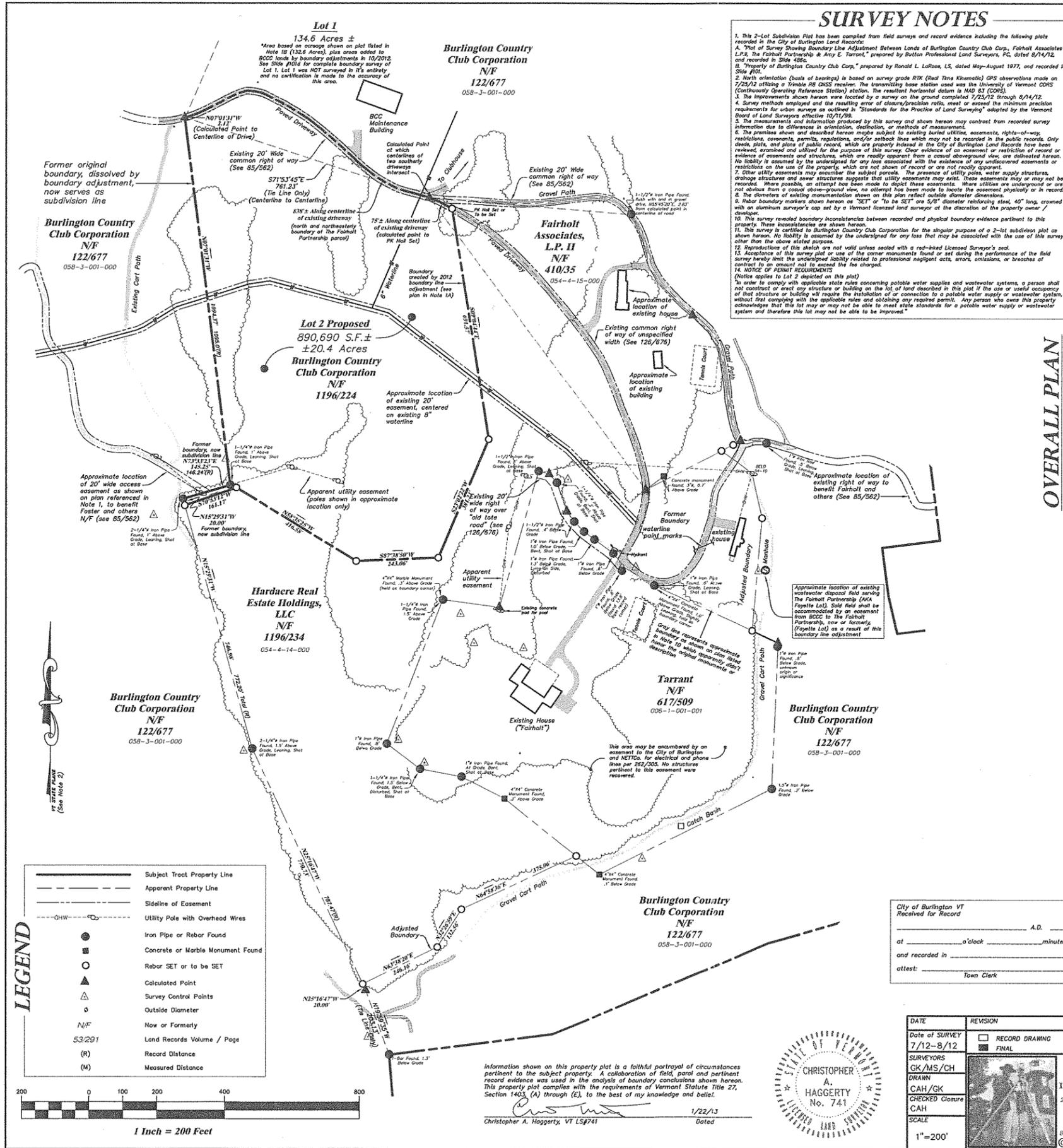
Article 11 Planned Development

No development is proposed; therefore Article 11 does not apply. **Affirmative finding.**

Conditions of Approval

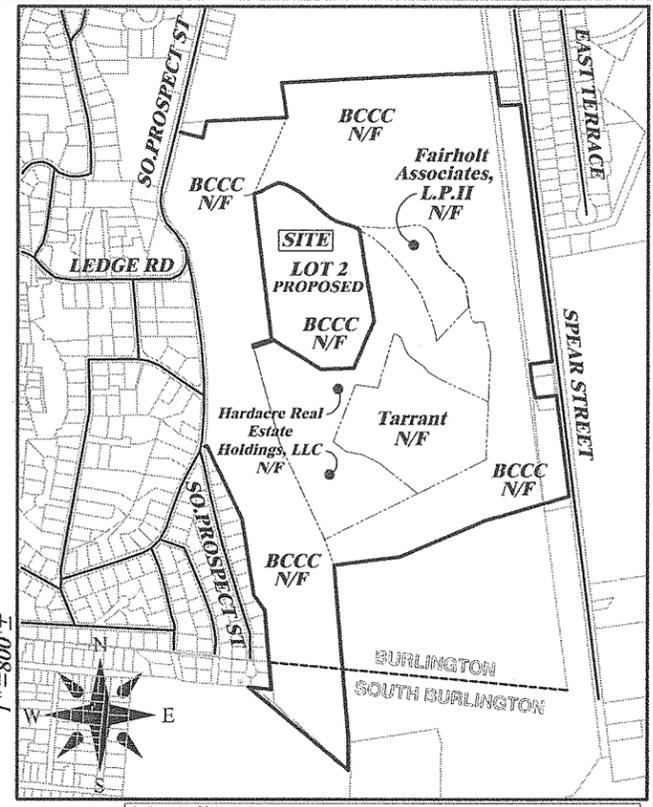
1. No on site development is planned in connection with the proposed subdivision. Any future development on either lot shall be required to obtain any and all permits required at time of application.
2. The final plat, endorsement by the DRB and all associated documents, shall be recorded in the office of the chief administrative officer within 180 days of the DRB's approval of the final plat. Failure to file all such materials within 180 days of the decision shall render the final plat approval void.
3. The plat to be filed with the chief administrative officer shall comply with the requirements of 27 V.S.A. Chapter 17 and Section 10.1.9 (a) 6 of this Article, and shall be drawn in black permanent inks on three (3) to five (5) mil. Stable-base polyester film (mylar). After such filing or recording, the plat shall be part of the City of Burlington Official Map. In addition to the final plat as recorded in the city land records:
 - i. One copy of the approved plat shall be filed with the building inspector before building permits for structures within the subdivision are made available;
 - ii. One copy of the approved plat shall be filed with the city assessor; and
 - iii. A digital version of the approved plat shall be filed with the department of planning and zoning in a format acceptable to the administrative officer.
 - iv. Standard Permit Conditions 1-18. (Zoning permit time limits to be appropriately modified to reflect the 180 day provision, noted in (1), above.)

NOTE: These are staff comments only. The Development Review Board, who may approve, table, modify, or deny projects, makes decisions.



SURVEY NOTES

- This 2-Lot Subdivision Plat has been compiled from field surveys and record evidence including the following plats recorded in the City of Burlington Land Records:
 A. "Plat of Survey Showing Boundary Line Adjustment Between Lands of Burlington Country Club Corp., Fairholt Associates L.P., The Fairholt Partnership & Amy E. Tarrant," prepared by Butten Professional Land Surveyors, P.C. dated 8/14/12 and recorded in Side 486c.
 B. "Property of Burlington Country Club Corp.," prepared by Ronald L. Lofgren, LS, dated May-August 1977, and recorded in Side 410.
 C. "Property of Burlington Country Club Corp.," prepared by Ronald L. Lofgren, LS, dated May-August 1977, and recorded in Side 410.
 D. "Property of Burlington Country Club Corp.," prepared by Ronald L. Lofgren, LS, dated May-August 1977, and recorded in Side 410.
- North orientation (basis of bearings) is based on survey grade RTK (Real Time Kinematic) GPS observations made on 7/25/12 utilizing a Trimble R8 GNSS receiver. The transmitting base station was the University of Vermont CORS (Continuously Operating Reference Station) station. The resultant horizontal datum is NAD 83 (CORS).
- The improvements shown hereon were located by a survey on the ground completed 7/25/12 through 8/14/12.
- Survey methods employed and the resulting error of closure/precision ratio, meet or exceed the minimum precision requirements for urban surveys as outlined in "Standards for the Practice of Land Surveying" adopted by the Vermont Board of Land Surveyors effective 10/11/98.
- The measurements and information produced by this survey and shown hereon may contrast from recorded survey information due to differences in orientation, description, or methods of measurement.
- The premises shown and described hereon may be subject to existing buried utilities, easements, rights-of-way, restrictions, covenants, permits, regulations, and/or setback lines which may not be recorded in the public records. Only deeds, plats, and plans of public record, which are properly indexed in the City of Burlington Land Records have been reviewed and utilized for the purpose of this survey. Clear evidence of an easement or restriction of record or evidence of easements and structures, which are readily apparent from a casual aboveground view, are delineated hereon. No liability is assumed by the undersigned for any loss associated with the existence of any undisclosed easements or restrictions on the use of the property, which are not shown or are not readily apparent.
- Other utility easements may encumber the subject parcels. The presence of utility poles, water supply structures, drainage structures and sewer structures suggests that utility easements may exist. These easements may or may not be recorded. Where possible, an attempt has been made to depict these easements. Where utilities are underground or are not obvious from a casual above-ground view, no attempt has been made to locate the easement physically or in record.
- The dimensions of existing monumentation shown on this plan reflect outside diameter dimensions.
- Rebar boundary markers shown hereon as "SET" or "to be SET" are 5/8" diameter reinforcing steel, 40" long, crowned with an aluminum surveyor's cap set by a Vermont Licensed Land Surveyor at the discretion of the property owner/drawer.
- This survey revealed boundary inconsistencies between recorded and physical boundary evidence pertinent to this property. These inconsistencies are shown hereon.
- This survey is certified to Burlington Country Club Corporation for the singular purpose of a 2-lot subdivision plat as shown hereon. No liability is assumed by the undersigned for any loss that may be associated with the use of this survey other than the above stated purposes.
- Reproductions of this sketch are not valid unless sealed with a red-inked Licensed Surveyor's seal.
- Acceptance of this survey plat or use of the corner monuments found or set during the performance of the field survey hereby limit the undersigned liability related to professional negligent acts, errors, omissions, or breaches of contract to an amount not to exceed the fee charged.
- NOTICE OF PESTICIDE REMEDIATION**
 (Notice applies to Lot 2 depicted on this plat)
 In order to comply with applicable state rules concerning potable water supplies and wastewater systems, a person shall not construct or erect any structure or building on the lot of land described in this plat if the use or useful occupancy of that structure or building will require the installation of or connection to a potable water supply or wastewater system, without first complying with the applicable rules and obtaining any required permits. Any person who owns this property acknowledges that this lot may or may not be able to meet state standards for a potable water supply or wastewater system and therefore this lot may not be able to be improved.



Section 101.11 (a) Certifications and Endorsements

- City Engineer's Certification**
 "I, City Engineer, certify that this plat fully complies with all engineering requirements set forth in the subdivision regulations of the City of Burlington and all other engineering requirements of Burlington, Vermont."
 By: _____
 Registered _____
 Seal _____
- Surveyor's Certification**
 "I, Surveyor, certify that this plat is true and correct and was prepared from an actual survey of the property by me or under my supervision; that all monuments shown hereon actually exist or are marked as 'future' and their location, size, type and materials are correctly shown."
 By: _____
 Registered _____
 Seal (Stamped Below) _____
- Applicant's Certification**
 State of Vermont, County of Chittenden, City of Burlington
 "The owner of land shown on this plat and whose name is subscribed hereto, in person or through a duly authorized agent, certifies that this plat was made from an actual survey."
 Agent / Owner: _____
 Date: _____
- Certificate of Dedication**: No areas are being dedicated to the public.
- Plat of Protective Covenants**: No protective covenants regulating land use or protecting the development are proposed.
- Certificate of the City Engineer**
 "I, _____, City Engineer, do hereby certify that the subject plat has been examined by me and found to comply with the engineering requirements set forth in the regulations governing plats of subdivided land adopted by the city council, with the following exceptions: _____"
 City Engineer _____
- Certificate of the Superintendent of City Parks**
 "I, _____, Superintendent of Parks, do hereby certify that the subject plat has been examined by me and found to comply with the street planting requirements and park area requirements set forth in the regulations governing plats of subdivided land adopted by the city council with the following exceptions: _____"
 City Superintendent of Parks _____
- Certificate of City Fire Marshal**
 "I, _____, Fire Marshal, do hereby certify that the subject plat has been examined by me and found to comply with the fire prevention requirements set forth in this chapter governing plats of subdivided land adopted by the city council with the following exceptions: _____"
 City Fire Marshal _____
- Other Certificates**: None required.

Development Review Board Endorsement
 "Approved by Resolution of the City of Burlington Development Review Board, Burlington, Vermont, on this _____ day of _____, 20____. Subject to all Requirements and Conditions of The Comprehensive Development Ordinance of the City of Burlington, Vermont."
 Signed this _____ day of _____, 20____.
 By: _____
 Witness: _____ DRB Chair _____
 Zoning Permit / Certificate of Appropriateness # _____

City of Burlington VT
 Received for Record
 _____ A.D. _____
 at _____ o'clock _____ minutes _____ M
 and recorded in _____
 attested: _____ Town Clerk

DATE	REVISION
7/12-8/12	RECORD DRAWING
	FINAL
	PRELIMINARY
	SKETCH/CONCEPT

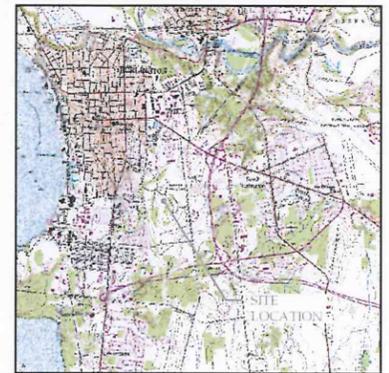
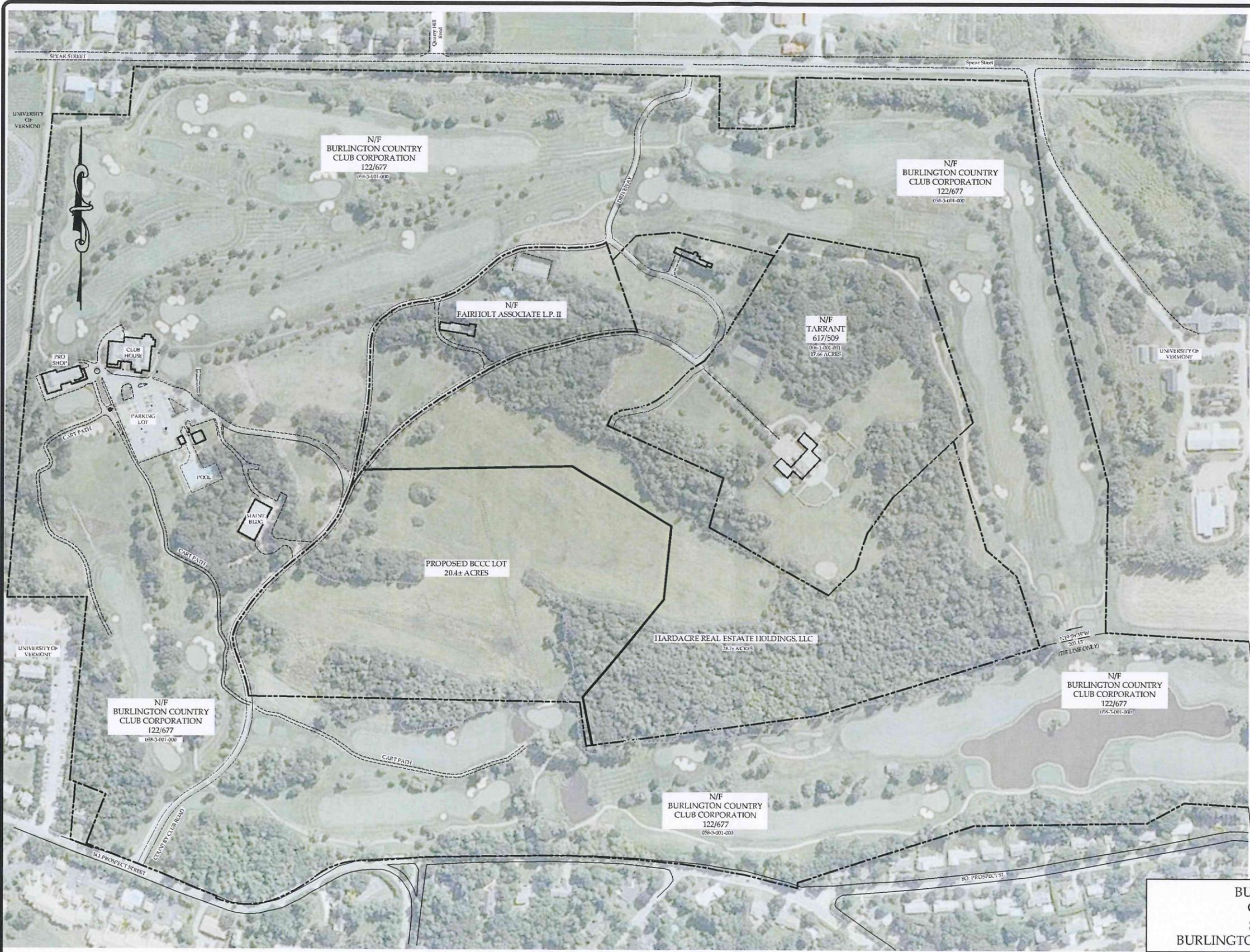
Butten Professional Land Surveyors, P.C.
 20 Kimball Ave Suite 203N South Burlington VT 05403
 802-863-1812 www.butten.com

PLAT OF SURVEY SHOWING 2-LOT SUBDIVISION OF LANDS OF BURLINGTON COUNTRY CLUB CORPORATION
 SOUTH PROSPECT STREET, BURLINGTON, VERMONT



DATE OF PLAT	7/12/13
JOB	BURL0120
FILE	BOUNDARY
PLAN SHEET #	1

X:\REI CAD Files\Projects\2012\201213 BCC_foster.dwg 201213 BCC Boundary Adjustment 01/31/13.dwg 1/31/2013 11:30:41 AM



↑ NORTH
SITE LOCATION MAP
NOT TO SCALE

- PLAN REFERENCES**
- 1) THE BURLINGTON COUNTRY CLUB CORPORATION BOUNDARY SURVEY WAS OBTAINED FROM A PLAT ENTITLED "PROPERTY OF BURLINGTON COUNTRY CLUB CORP.", PREPARED BY RONALD L. LAROSE, L.S. DATED MAY-AUGUST 1997, AND RECORDED INSIDE # 111.
 - 2) THE BOUNDARY SURVEY SHOWING THE LANDS OF FAIRHOLT ASSOCIATES L.P., THE FAIRHOLT PARTNERSHIP & AMY E. TARRANT FROM A SURVEY ENTITLED "PLAT OF SURVEY SHOWING BOUNDARY ADJUSTMENT BETWEEN LANDS OF BURLINGTON COUNTRY CLUB CORP., FAIRHOLT ASSOCIATES L.P., THE FAIRHOLT PARTNERSHIP & AMY TARRANT", PREPARED BY BUTTON PROFESSIONAL LAND SURVEYORS, P.C. DATED 08/14/12.

- NOTES**
- 1) THIS DRAWING IS NOT A BOUNDARY SURVEY PLAT. BOUNDARY LINE INFORMATION SHOWN IS BASED ON PLAN REFERENCE #1. THE PROPERTY LINES & EASEMENTS AND OTHER REAL PROPERTY DESCRIPTIONS PROVIDED ON THIS DRAWING ARE FOR ILLUSTRATION PURPOSES ONLY. THEY DO NOT DENY LEGAL RIGHTS OR MEET LEGAL REQUIREMENTS FOR A LAND SURVEY AS DESCRIBED IN V.S.A. TITLE 27 SECTION 1416 AND SHALL NOT BE USED IN LIEU OF A SURVEY AS THE BASIS OF ANY LAND TRANSFER OR ESTABLISHMENT OF ANY PROPERTY RIGHT.

RECEIVED
FEB 04 2013
DEPARTMENT OF
PLANNING & ZONING

BURLINGTON COUNTRY CLUB CORPORATION PROPERTY
SOUTH PROSPECT STREET
BURLINGTON / SOUTH BURLINGTON, VERMONT

RUGGIANO Engineering, inc.
5 LAKE STREET
ST. ALBANS, VERMONT 05478
PHONE - (802) 524-9300 FAX - (802) 524-9700
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PROJECT NO. 2012013
DRAWN BY: DJL
CHECKED BY: DJL
SCALE: 1" = 150'
DATE: 01/31/13

SHEET NO.
C-1
1 OF 1 SHEETS



February 12, 2013

Planning and Zoning Office:

I live at 544 South Prospect Street and our property abuts the Burlington Country Club property. I have reviewed the BCC subdivision application and wish to offer my full support of its request so long as no additional division of its property is anticipated.

I do want to point out that the chart submitted with their application incorrectly places the boundary between UVM and 544 South Prospect Street. The boundary line actually continues from the boundary between UVM and the BCC. It does not jog south as illustrated in the chart.

I cannot attend the upcoming DRB meeting; please accept this letter in lieu of attendance.

Sincerely,



Pike Porter

544 South Prospect Street
Burlington, VT 05401

pikeporter@gmail.com